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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/336,229	06/18/1999	STEVEN R. WILLIS	AGM-005	7390

26615 7590 07/14/2003

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EXAMINER

DO, NHAT Q

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 07/14/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

19

Office Action Summary	Application No. 09/336,229	Applicant(s) WILLIS, STEVEN R. 109	
	Examiner Nhat Do ND	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-11, 13-15, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 5, 12 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>g</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-11, 13-15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,115,373 to Lea in view of U.S. Patent No. 5,936,965 to Doshi et al.

Regarding to claim 1, Lea discloses a device with line cards ATM/IP (Fig. 1) comprising:

An interface (L-RCV) for receiving data stream from a single port (Fig. 2, Fig. 8; col. 3, lines 58-61; col. 4, lines 34-37);

An IP packet forwarding facility (P-IP, and MEM-I) for receiving and forwarding IP packet (Fig. 8; col. 4, lines 41-44; col. 6, lines 38-53);

An ATM cell forwarding facility (P-ATM, and MEM-A) for receiving and forwarding ATM cell (Fig. 8; col. 4, lines 41-44);

Since Lea describes IP packets and ATM cells are mixed on a link (Fig. 2, col. 3, lines 58-60), but IP packets and ATM cells are handled in separate facility, it is inherent that the interface (L-RCV) taught by Lea comprises an device/director for identifying ATM cells and IP packets, and forward ATM cells and IP packet to proper facility.

Lea fails to disclose the received data stream is a non-ATM data stream. Doshi et al disclose a device in figure 1 for receiving multiple protocol data including ATM and IP data

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(Col. 5, lines 25-30). Doshi et al also disclose the data is encapsulated in a non-ATM data stream (Col. 6, lines 2-18). A skilled artisan would have been motivated to modify the interface (L-RCV) in Lea system so that it receives the non-ATM as the Doshi et al receiver in order to employ the benefit of the Doshi et al method: less overhead demand (Col. 2, line 1). Therefore, it would have been obvious to a person having ordinary skill in the art by the time the invention was made to receive data stream in a non-ATM data stream in the device taught by Lea.

Regarding to claims 2, 3, 19, and 20, Lea discloses the device is a chip (Col. 3, lines 49-52), and it is inherent that device comprises a housing that house the forwarding facilities.

Regarding to claims 6, 7, 11, and 13, Lea further discloses the device includes output ports for outputting data (Fig. 1; col. 3, line 40), and an ATM forwarding facility comprises ATM cell lookup (Fig.4) for forwarding ATM cells and an IP forwarding facility comprises IP packet lookup (Fig.4) for forwarding IP packet.

Regarding to claims 8, 9, and 10, ATM data is layer 2 data and IP data is layer 3 data.

Regarding to claim 14, Lea discloses the device in folded form with input/output ports, and line cards (Fig. 7b).

Regarding to claim 15, Lea discloses the line cards is interconnected by the interconnect SWITCH (Fig. 7b).

Allowable Subject Matter

3. Claims 16, and 18 are allowed.

4. Claims 5, 12, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhat Do whose telephone number is (703) 305-5743. The examiner can normally be reached on 8:30 AM - 5:30 PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nhat Do
Examiner
Art Unit 2663

ND

July 8, 2003


MELVIN MARCELO
PRIMARY EXAMINER